

July 18, 2006 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06PW0402

D.C. Associates
(Meadowville Commons)

Bermuda Magisterial District
North line of Route 10 approximately 600 feet west of the intersection of East Enon Church
Road and Route 10

REQUEST: Modification to development standard Section 19-589.2. Specifically, the applicant requests relief from the requirement that no more than one (1) row of parking is permitted between buildings and Route 10.

RECOMMENDATION

Staff recommends denial of this request for the following reason:

Staff believes the site can accommodate a layout that complies with Section 19-589.2 by locating a building between Route 10 and the parking area. Staff has attached a plan (graphic 3) that shows the alternate layout.

GENERAL INFORMATION

Developer:

D.C. Associates

Location:

Fronting approximately 310 feet on the north line of Route 10 approximately 600 feet west of the intersection of East Enon Church Road and Route 10. Tax IDs 823-648-7509 and 9201 (Sheet 35).

Existing Zoning and Land Use:

C-3; Vacant

Size:

3.28 acres

Adjacent Zoning and Land Use:

North - C-3; Railroad
East - C-3; Vacant
West - C-3; Vacant
South - C-3; Commercial and Office

BACKGROUND

Section 19-589.2 of the Enon Core development standards emphasizes the visual prominence of buildings along Route 10 by reducing the amount of parking that is permitted between buildings and Route 10.

Section 19-589.2 (a) 2 reads as follows:

2. The minimum setback along Route 10 for drives and parking shall be 50 feet with the installation of perimeter landscaping G provided, however, that no more than one row of parking with associated driveway shall be permitted between any building and the Route 10 right-of-way.

CONCLUSIONS

Staff recommends denial of this request because an alternate layout is possible that will comply with County Ordinance Standards.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1978, AS AMENDED, BY AMENDING
AND REENACTING SECTION 19-19 RELATING TO
MODIFICATIONS TO DEVELOPMENT STANDARDS AND REQUIREMENTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

- (1) *That Section 19-19 of the Code of the County of Chesterfield, 1978, as amended, is amended and reenacted to read as follows:*

Sec. 19-19. Planning commission may grant modifications to development standards and requirements.

(a) Except for those development standards or requirements which must be modified by the granting of a variance, special exception, conditional use or a rezoning, the planning commission may grant modifications, with or without conditions, to development standards or requirements specified in this chapter. The planning commission shall fix a reasonable time for the hearing of an application under this section and decide the same within 60 days after its first hearing on the matter, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the request.

(b) No modification to a development standard or requirement shall be authorized by the planning commission unless it considers and determines substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or nearby properties or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such properties the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

- (5) The granting of such modification will allow the project to comply with the comprehensive plan.

(c) In authorizing a modification, the planning commission may impose conditions regarding the location, character and other features of the proposed building, structure or use as it may deem necessary to the public interest; and it may require a guarantee or bond to remain in effect until compliance with such conditions has occurred.

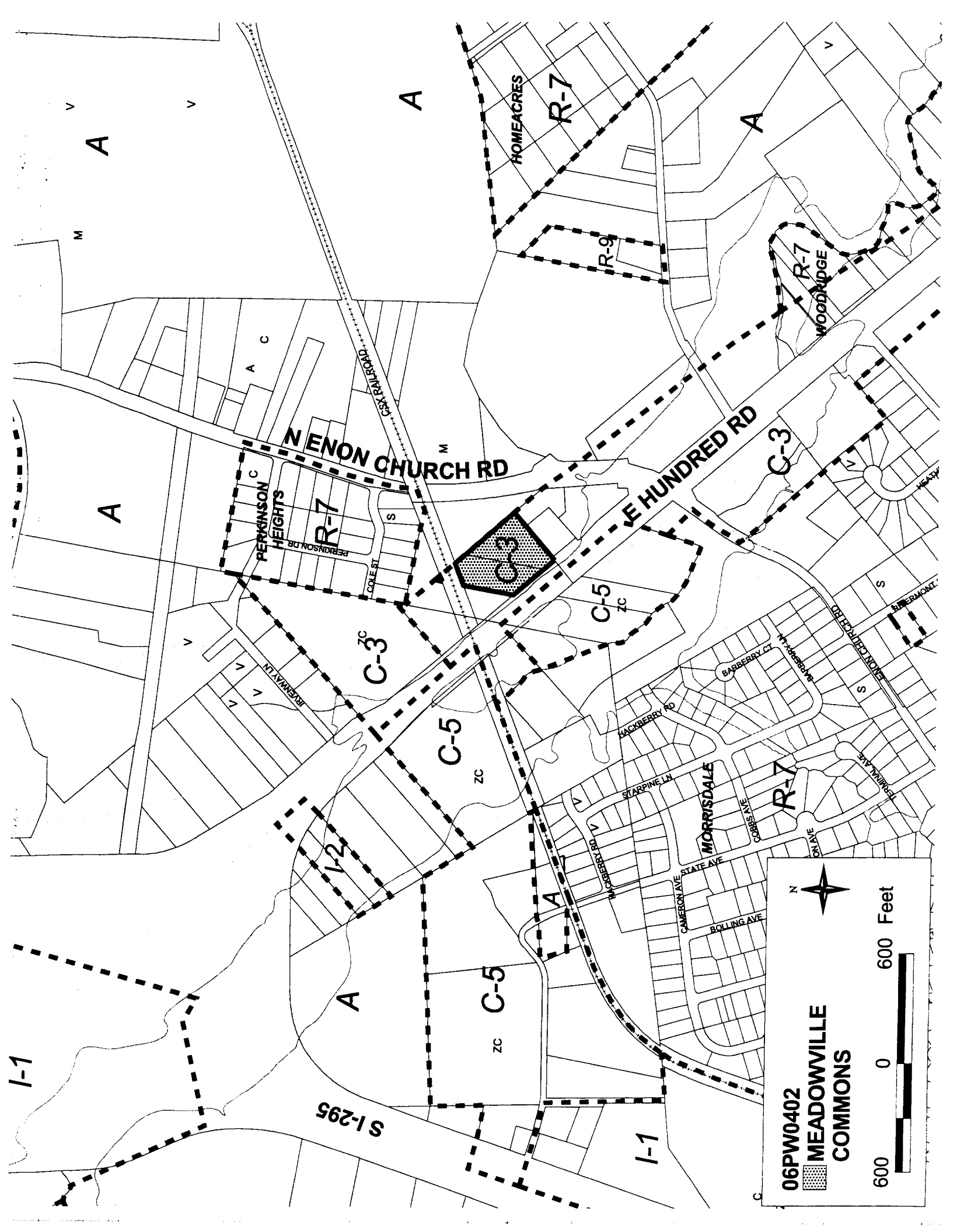
(d) The planning commission shall not grant more than the minimum necessary modification to the appropriate development standard or requirement to resolve the hardship. The planning commission shall not grant a permanent modification to a standard or requirement if a temporary modification will suffice. A temporary modification may be granted if the planning commission determines that permanent compliance will be obtained in a future phase of development.

(e) The planning commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the board of supervisors or the board of zoning appeals, unless such condition specifically grants such modification authority to the planning commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.

(f) If the applicant disagrees with the planning commission's final decision, he may file a written appeal with the circuit court within 60 days of that decision. In addition, adjacent property owners may appeal the planning commission's final decision by filing a written appeal with the circuit court within 60 days of that decision. Adjacent property owners' appeals shall be limited to conditions which directly affect the property owners and include access, utility locations, buffers, conditions of zoning, architectural treatment and land use transitions. The court shall fix a reasonable time for hearing the appeal. During the appeal, the director of planning shall not approve any applicable site plan, building permit or record plat for any construction that would or could be affected by the appeal.

(Code 1978, § 21.1-12.1; Ord of 6-12-96, § 1)



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MEADOWVILLE
COMMONS



600 0 600 Feet

06PW0402-1

06PW0402-2

